

**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
**Chapter 24: SOLID WASTE MANAGEMENT AND RECYCLING**

**§2153. SITING CRITERIA**

**1. Siting criteria.** With regard to state-owned facilities, the bureau shall administer rules adopted by the former Maine Waste Management Agency, Office of Siting and Disposal Operations and subsequently administered by the former State Planning Office pursuant to this subsection for siting criteria for solid waste disposal facilities. The bureau may revise rules as necessary based on the following factors.

A. A site may be located anywhere within the State and need not be in proximity to the site of waste generation. [1991, c. 794, §2 (AMD).]

A-1. Sites for the disposal of special waste may not be located within a 5-mile radius of an existing commercial special waste landfill or a commercial incineration facility. [1995, c. 465, Pt. A, §62 (AMD); 1995, c. 465, Pt. C, §2 (AFF).]

B. To the extent possible, a site must be located in proximity to the transportation systems, including existing or potential railroad systems, that are used to convey waste to the site or to convey residuals and materials to be recycled from the site. [1991, c. 794, §2 (AMD).]

C. The capacity or size of a site must be consistent with the projected demand as determined in the state plan. [1989, c. 585, Pt. A, §7 (NEW).]

D. A site and its considered use must be consistent with, and actively support, other waste management objectives, including waste reduction and recycling. [1989, c. 585, Pt. A, §7 (NEW).]

E. The projected price for site development, construction and operation must be fair and reasonable. [1989, c. 585, Pt. A, §7 (NEW).]

F. A site must meet preliminary environmental standards developed jointly by the department and the Maine Land Use Planning Commission, including ground water standards, geological standards and standards to protect public drinking water supplies. [1991, c. 794, §2 (AMD); 2011, c. 682, §38 (REV).]

G. Existing uses on adjacent properties, including public or private schools, may not be in significant conflict with or significantly jeopardized by the use of a site. [1991, c. 794, §2 (AMD).]

[ 2011, c. 655, Pt. GG, §40 (AMD); 2011, c. 655, Pt. GG, §70 (AFF);  
2011, c. 682, §38 (REV) .]

**SECTION HISTORY**

1989, c. 585, §A7 (NEW). 1991, c. 794, §2 (AMD). 1995, c. 465, §A62 (AMD). 1995, c. 465, §C2 (AFF). 2011, c. 655, Pt. GG, §40 (AMD). 2011, c. 655, Pt. GG, §70 (AFF). 2011, c. 682, §38 (REV).

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